S.B.Civil writ Petition No.3704/2006
Smt. Vidhyadevi
vs
Bhagwati Lal & Ors.

And
S.B.Civil writ Petition No.2125/2006
Smt. Sohani Devi
vs
Bhagwati Lal & Ors.

Date of order : 15.11.2007.

HON'BLE MR. PRAKASH TATIA, J.

Mr.Rajeev Purohit, for the petitioner.
Mr.ARvind Samdariya, for the respondents.

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In connected writ petitions no.6255/2006 and 6256/2006 interim order was passed by the learned Single Judge while admitting the writ petition that the trial court shall proceed with the trial of the suit taking the document sought to be produced by the application on record and decide the suit expeditiously. When said interim order was challenged by preferring D.B. Special Appeal (Writ) Nos. 42/2007 and 943/2007, the Division Bench of this Court vide order dated 26.10.2007 observed that the trial court merely refused to take the documents on record at the stage of evidence led by the plaintiff and if the documents could be produced during the evidence led by the defendants, it does not stand to reason why the same cannot be taken on record at this stage

when they were not taken on record. With these observations, the Division Bench of this Court held that virtually by interim order, the writ petition itself stand disposed of and no purpose will be served by keeping the writ petition pending, merely because of the disposal of the writ petition had not been recorded.

Facts of the present two writ petitions are also almost identical and, therefore, they also deserve to be allowed and the document in question be taken on record and the order of the trial court refusing to take on record the document is set aside.

Hence, both the writ petitions are allowed. In view of the Division Bench decision it is made clear that the production of documents will be subject to all just exceptions as to their admissibility and effect on the pending dispute between the parties.

(PRAKASH TATIA), J.

c.p.goyal/-